

Date Signed:  
March 4, 2016



SO ORDERED.

  
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Robert J. Faris  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF HAWAII

In re:

PERFECTO RODRIGUEZ INCIONG,  
JR.,

Debtor.

Case No. 14-01056  
Chapter 13

ORDER GRANTING STIPULATION  
FOR RELIEF FROM AUTOMATIC  
STAY; EXHIBIT "A"

**ORDER GRANTING STIPULATION  
FOR RELIEF FROM AUTOMATIC STAY**

The Stipulation for Relief from Automatic Stay ("Stipulation"),  
having been filed on February 23, 2016 [Dkt. #40];

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That the Stipulation, attached as Exhibit "A," is granted

**END OF ORDER**

Of Counsel:  
ALSTON HUNT FLOYD & ING  
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A Law Corporation

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U.S. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE, FOR  
THE C-BASS MORTGAGE LOAN  
ASSET BACKED CERTIFICATES,  
SERIES 2006-CB6

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF HAWAII

In re:

PERFECTO RODRIGUEZ INCIONG,  
JR.,

Debtor.

Case No. 14-01056  
Chapter 13

**STIPULATION FOR RELIEF  
FROM AUTOMATIC STAY**

**STIPULATION FOR RELIEF FROM AUTOMATIC STAY**

IT IS HEREBY STIPULATED AND AGREED by and between U.S.

Bank National Association, as Trustee, for the C-BASS Mortgage Loan Asset

Backed Certificates, Series 2006-CB6 ("U.S. Bank, as Trustee") and Debtor Perfecto Rodriguez Inciong, Jr. ("Debtor"), by and through their undersigned counsel, that relief from the automatic stay provisions of 11 U.S.C. § 362 is granted for the limited purpose of allowing U.S. Bank, as Trustee to initiate a foreclosure proceeding for the real property located at 1020 Green Street, Unit 104, Honolulu, Hawaii 96822 ("Property").

## **BACKGROUND**

A. On August 5, 2014, Debtor filed a Voluntary Petition for Chapter 13 bankruptcy in the United States Bankruptcy Court for the District of Hawai`i ("the Petition"). Dkt. No. 1. Howard M.S. Hu is the Trustee in the bankruptcy case.

B. On November 5, 2014, this Court entered its Memorandum of Decision Regarding Plan Confirmation [Dkt. No. 21], stating that the mortgage in question "does not attach to 'property in which the estate has an interest....'"

C. Based on the Court's previous finding, it does not appear that the automatic provisions of 11 U.S.C. § 362 apply to the Property; however, out of an abundance of caution, the parties hereby stipulate that the provisions of 11 U.S.C. § 362 are hereby unconditionally terminated for the purpose of allowing U.S. Bank, as Trustee to proceed with filing a foreclosure lawsuit against the Property.

D. There shall be no deficiency judgment without further order of the Bankruptcy Court. If the Property is sold for more than what is owed to U.S. Bank, as Trustee, any excess proceeds will be turned over to the Trustee. The ten (10) day stay imposed under Rule 4001 is waived and does not apply under this Stipulation.

DATED: Honolulu, Hawai`i, February 23, 2016.

/s/ W. Richard Abelmann  
W. RICHARD ABELMANN  
Attorney for Debtor  
PERFECTO RODRIGUEZ INCIONG, JR.

/s/ Miriah Holden  
J. BLAINE ROGERS  
MIRIAH HOLDEN  
Attorneys for Secured Creditor  
U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE, FOR THE C-BASS  
MORTGAGE LOAN ASSET BACKED  
CERTIFICATES, SERIES 2006-CB6

/s/ Howard M.S. Hu  
HOWARD M.S. HU  
Trustee

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*In re Perfecto Rodriguez Inciong, Jr.*, Case No. 14-01056, United States  
Bankruptcy Court for the District of Hawai`i; **STIPULATION FOR RELIEF  
FROM AUTOMATIC STAY**